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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,281	09/08/2003	Kia Silverbrook	BAL51US	7133

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SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

EXAMINER
WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
2625	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Office Action Summary	Application No.	Applicant(s)
	10/656,281	SILVERBROOK, KIA
	Examiner	Art Unit	
	Negussie Worku	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 November 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-8</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-8</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>08 September 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All   b)☐ Some * c)☐ None of:

   1.☒ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>08/29/07;09/08/03</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   This Office action is in reply to application filed on 09/08/03, claims 1 through 8

are pending. Applicant's arguments with respect to claims 1-8 have been considered

but are moot in view of the new ground(s) of rejection. Applicant's amendment

necessitated the new ground(s) of rejection presented in this Office action.

Priority

2.   Acknowledgment is made of applicant's claim for foreign priority under 35

U.S.C. 119(a)-(d. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-

(d), which papers have been placed of record in the file.

Information Disclosure Statement

3.   The information disclosure statement (IDS) submitted on 09/08/03 has been

reviewed. The submission is in compliance with the provisions of 37 CFR 1.97.

Accordingly, the examiner is considering the information disclosure statement.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Koide et al. (USP 6,870,566), in view of Nomura (USP 5,625,770).

With respect to claim 1, Koide et al. teaches an image processing apparatus

(fig 1.) for applying effects to a stored image, (computer 12 of fig 1, process image

stored in image sensor FIFO memory 105 of fig 1, apply an effects to stored image,

col.9, lines 42-47) the apparatus comprising an optical reader (image sensing unit 11 of

fig 1).

Koide '770' dose not teach or disclose not an image processing apparatus for

applying desired effects to a stored image, the apparatus comprising an optical reader a

feed mechanism for feeding a card having an array of dots past the optical reader

optical reader interface able to control the optical reader to detect a data area on the

card, and to produce raw data from the bit pattern while the card is being fed past the

optical reader, the raw data used to produce an image processing script a processor

that is connected to the optical reader interface to receive and apply the image

processing script to the stored image to generate an output image with the desired

effects.

However, Nomura '770' in the same area of image processing and reading

apparatus (as shown in fig 1), teaches the apparatus comprising an optical reader

(optical sensor 1 of fig 1); a feed mechanism for feeding a card having an array of dots

past the optical reader (image reader 1, function as image feeder, thus a document card

is automatically fed to be scanned, col.2, lines 50-55+), optical reader interface able to

control the optical reader to detect a data area on the card, (optical reader 1 of fig 1,

having an interface [i.e. interface 6 of fig 1] includes CPU 3 of fig 1, for controlling and

detecting picture element, col.2, lines 45+, lines 48-60) to detect a bit pattern

corresponding to the array of dots in the data area, (col.2, lines 55-65) and to produce

raw data from the bit pattern while the card is being fed past the optical reader, the raw

data used to produce an image processing script (the CPU 3 of fig 1 includes data

processor which generate image data via image reader 1 of fig 1, col.2, lines 57-65).

a processor that is connected to the optical reader interface to receive and apply

the image processing script to the stored image to generate an output image with the

desired effects (CPU 3 of fig 1, includes a data processor that is connected to the

optical reader 1 of fig 1 to generate and output the processed image data, col.2, line 58-

63), whereby, the array of dots defines a first resolution (block picture element and the

optical reader has a sensor with a second resolution at least twice the first resolution

(the detection of black picture element, [i.e., a resolution] the existence and the

position of marks drawn on the card is performed by a CPU 3, which includes a data

processor, col.2, lines 58-63).

It would have been obvious to a person with ordinary skill in the art at the time

the invention was made to have modified imaging device of Koide '566' by the teaching

of Nomura '770' for the purpose of obtaining a file system in which file management is

performed via mark sheet instead of a keyboard, as suggested by Nomura, col.1, lines

9+).

With respect to claim 8, Koide et al. teaches a camera (1 of fig 1) comprises a

housing (fig 1); image sensor (image reader 1 of fig 1) positioned on the housing for

sensing a viewed image; and an optical reader (image sensing unit 11 of fig 1).

Koide '770' dose not teach or disclose not an image processing apparatus for

applying desired effects to a stored image, the apparatus comprising an optical reader a

feed mechanism for feeding a card having an array of dots past the optical reader

optical reader interface able to control the optical reader to detect a data area on the

card, and to produce raw data from the bit pattern while the card is being fed past the

optical reader, the raw data used to produce an image processing script a processor

that is connected to the optical reader interface to receive and apply the image

processing script to the stored image to generate an output image with the desired

effects.

However, Nomura '770' in the same area of image processing and reading

apparatus (as shown in fig 1), teaches the apparatus comprising an optical reader

(optical sensor 1 of fig 1); a feed mechanism for feeding a card having an array of dots

past the optical reader (image reader 1, function as image feeder, thus a document card

is automatically fed to be scanned, col.2, lines 50-55+), optical reader interface able to

control the optical reader to detect a data area on the card, (optical reader 1 of fig 1,

having an interface [i.e. interface 6 of fig 1] includes CPU 3 of fig 1, for controlling and

detecting picture element, col.2, lines 45+, lines 48-60) to detect a bit pattern corresponding to the array of dots in the data area, (col.2, lines 55-65) and to produce raw data from the bit pattern while the card is being fed past the optical reader, the raw data used to produce an image processing script (the CPU 3 of fig 1 includes data processor which generate image data via image reader 1 of fig 1, col.2, lines 57-65).

a processor that is connected to the optical reader interface to receive and apply the image processing script to the stored image to generate an output image with the desired effects (CPU 3 of fig 1, includes a data processor that is connected to the optical reader 1 of fig 1 to generate and output the processed image data, col.2, line 58-63), whereby, the array of dots defines a first resolution (block picture element and the optical reader has a sensor with a second resolution at least twice the first resolution (the detection of black picture element, [i.e., a resolution] the existence and the position of marks drawn on the card is performed by a CPU 3, which includes a data processor, col.2, lines 58-63).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified imaging device of Koide '566' by the teaching of Nomura '770' for the purpose of obtaining a file system in which file management is performed via mark sheet instead of a keyboard, as suggested by Nomura, col.1, lines 9+).

With respect to claim 2, Koide et al. teaches the image processing apparatus (fig 1), in which the second resolution is at least thee times the first resolution, (computer 12

of fig 1, process image stored in image sensor FIFO memory 105 of fig 1, apply an

effects to stored image, and in which the reader 11 of fig 1 apply the resolution col.9,

lines 42-47).

With respect to claim 3, Koide et al. teaches an image processing apparatus (fig

1) in which an optical reader interface is configured to write the bit pattern as a byte

pattern, (pixels generated by image sensor 102 of fig 1).

With respect to claim 4, Koide et al. teaches an image processing apparatus (fig

1, in which the optical reader interface is configured to descramble and XOR the byte

pattern, (computer 12 of fig 1, process image stored in image sensor FIFO memory 105 .

of fig 1, apply an effects to stored image, col.9, lines 42-47, in which the reader interface

11 of fig 1, generated by image sensor 102 of fig 1). ·

With respect to claim 5, Koide et al. teaches an image processing apparatus (fig

1) , in which the optical reader interface is configured to decode the byte pattern,

(computer 12 of fig 1, process image stored in image sensor FIFO memory 105 of fig 1,

apply an effects to stored image, col.9, lines 42-47).

With respect to claim 6, Koide et al. teaches an image processing apparatus (fig

1), which includes a data storage device that is operatively connected to the processor

and able to store the image processing script, (computer 12 of fig 1, process image

stored in image sensor FIFO memory 105 of fig 1, apply an effects to stored image, col.9, lines 42-47).

With respect to claim 7, Koide et al. teaches an image processing apparatus (fig 1) in which the processor includes a VLIW processor that is connected to the optical reader interface via a FIFO buffer so that the optical reader interface can-is able to write data from the optical reader to the FIFO buffer and the VLIW processor optical is able to process and store the data received from the FIFO buffer, (computer 12 of fig 1, process image stored in image sensor FIFO memory 105 of fig 1, apply an effects to stored image, col.9, lines 42-47).

With respect to claim 8, Koide et al. teaches a camera (1 of fig 1) comprises a housing (fig 1); image sensor (image reader 1 of fig 1) positioned on the housing for sensing a viewed image; and an optical reader (image sensing unit 11 of fig 1).

Koide '770' dose not teach or disclose not an image processing apparatus for applying desired effects to a stored image, the apparatus comprising an optical reader a feed mechanism for feeding a card having an array of dots past the optical reader optical reader interface able to control the optical reader to detect a data area on the card, and to produce raw data from the bit pattern while the card is being fed past the optical reader, the raw data used to produce an image processing script a processor that is connected to the optical reader interface to receive and apply the image

processing script to the stored image to generate an output image with the desired

effects.

However, Nomura '770' in the same area of image processing and reading

apparatus (as shown in fig 1), teaches the apparatus comprising an optical reader

(optical sensor 1 of fig 1); a feed mechanism for feeding a card having an array of dots

past the optical reader (image reader 1, function as image feeder, thus a document card

is automatically fed to be scanned, col.2, lines 50-55+), optical reader interface able to

control the optical reader to detect a data area on the card, (optical reader 1 of fig 1,

having an interface [i.e. interface 6 of fig 1] includes CPU 3 of fig 1, for controlling and

detecting picture element, col.2, lines 45+, lines 48-60) to detect a bit pattern

corresponding to the array of dots in the data area, (col.2, lines 55-65) and to produce

raw data from the bit pattern while the card is being fed past the optical reader, the raw

data used to produce an image processing script (the CPU 3 of fig 1 includes data

processor which generate image data via image reader 1 of fig 1, col.2, lines 57-65).

a processor that is connected to the optical reader interface to receive and apply

the image processing script to the stored image to generate an output image with the

desired effects (CPU 3 of fig 1, includes a data processor that is connected to the

optical reader 1 of fig 1 to generate and output the processed image data, col.2, line 58-

63), whereby, the array of dots defines a first resolution (block picture element and the

optical reader has a sensor with a second resolution at least twice the first resolution

(the detection of black picture element, [i.e., a resolution] the existence and the

position of marks drawn on the card is performed by a CPU 3, which includes a data processor, col.2, lines 58-63).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified imaging device of Koide '566' by the teaching of Nomura '770' for the purpose of obtaining a file system in which file management is performed via mark sheet instead of a keyboard, as suggested by Nomura, col.1, lines 9+).

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Negussie Worku whose telephone number is 571-272-

7472. The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Aung Moe can be reached on 571-272-7314. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Negussie Worku
Examiner
Art Unit 2625

AUNG S. MOE
SUPERVISORY PATENT EXAMINER
2/1/08